



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

RENEW & AMEND

NOTICE OF ACTION TAKEN

March 30, 1998

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of **United Air Lines, Inc.** filed **2/27/98** in Docket **OST-96-1560** to:

XX Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between points in the United States, on the one hand, and Baku, Azerbaijan; and Ashkhabad, Turkmenistan; on the other, via Frankfurt, Germany, and to integrate this authority with its U.S.-Germany certificate authority on Route 57. United plans to operate this service pursuant to a code-share arrangement with Lufthansa German Airlines.

XX Amend exemption to:

Permit United to serve Baku and Ashkhabad via points in other countries which United is authorized to serve, in addition to points in Germany. United intends to operate these services pursuant to authorized code-share arrangements with code-share partners other than Lufthansa. In conjunction with this amendment, United seeks authority to integrate its service to Baku and Ashkhabad with its existing certificate and exemption authority to facilitate the routings proposed.

Applicant rep.: **Joel Stephen Burton, 202-637-9130** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

The above action was effective when taken: **March 27, 1998,** through **March 20, 2000**

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)

XX Exemption authority granted is consistent with the 1990 U.S.-U.S.S.R. Agreement, which governs air services between the United States, on the one hand, and Azerbaijan and Turkmenistan, on the other, and the aviation agreement between the United States and the Federal Republic of Germany.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

(See Reverse Side)

Conditions: The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket), accept all obligations established in its contract of carriage with the passenger and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

The route integration authority requested is granted subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon United rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless United notifies us of its intent to serve such a market and unless and until the Department has completed any necessary selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in United's authority by virtue of the route integration exemption granted here, but that are not then being used by United, the holding of such authority by route integration will not be considered as providing any preference for United in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.